

G R S App 4 IX 41

1943-44 ✓

ML

File No. 42-113

Previous References

(mimemap)

Serial Nos 50

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for Feb 44

SUBJECT

Petition of Mr C Krishna Rao, requesting
that the nomination of Mr J. A. Gopalaswamy
Sengar as a candidate for the presidency
of the B City mil cl. be rejected until
election petition filed by him before the J. Judge
and a case is disposed of

Recorded

RECEIVED
16/2

4417

Peta B. 15.7.44 from Mr G. Krishna Rao, Merchant & Contractor, No. 52, III cross Road Dasavangudi, Bngl. requests that the nomination of Mr. M. A. S. of Dhanu Singh as a candidate for the Presidency of the Bngl. ml cl be rejected until the election Peta filed with before the Judge, Bangalore is disp.

1) From the city ml election rules it seems that there is no provision for the court to interfere in such cases subject to orders

16/8 17/1 2) No action can be taken by the Govt at present if the Court issues an injunction order the Returning Officer (Deputy Commr) will take action (Lawry) for 17/1/44

3) put up rules

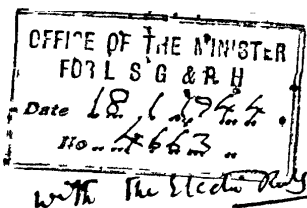
4) Bngl. 5) A copy of the rules is put up (vide Pages 41-44 of the rules) 16/8 17/1

Lawry for 17/1/44

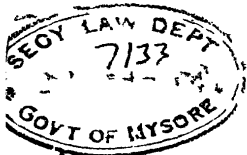
6) The Govt. Council is not concerned with this matter

Mudliar - 59

18/7/44 19/1/44



with the Election Rules



Petr. 26-1-44 from Mr C. Krishna Rao, Merchant & Contractor forwarding a copy of the Election Petition filed in the Court & requesting that the election of Mr Gopalaswami Iyengar may not be approved till the Election Petition is disposed of

8) subd for perusal. No action appears to be necessary on this

WKS
27/1

Law Secy Lm
27/1/44

9) We cannot interfere
May be filed

Murk 2.5 &

WKS
26-7-43

Am
10) 1-2-4

WKS
1-2-49

Am
11/2/44

"B"

ould A cutting from the Daily News of 19-1-44 dismissing the Petr filed by Mr Krishna Rao in the 1940 St. George's Court, Below is sent up
of above, the papers will be sent and directed in para 9 supra

WKS
4/2

yes.
Lm

B
4/2/44

ml
To

The Law Secretary,
Government of Mysore, Bangalore.

mykks
+ + +
S i r,

Mr M,A Gopalaswamy Iyengar, who got the third place in the election of the Eighth Division last December, has stood and been nominated as a candidate by and for the Mysore Congress at the ensuing Presidential Elections of the Bangalore City Municipality

am 1-11-44
15/1/44
I have filed an Election Petition against him before the District Judge, Bangalore Division, Bangalore, and also an interlocutory application as per copy enclosed

Having regard to the allegations therein, I respectfully submit that it would not be proper or - expedient for Mr M A Gopalaswamy Iyengar to contest the Elections until the enquiry is over

In the circumstances acceptance of his nomination will also neither be proper or justified I pray that the Government of Mysore be pleased to consider the matter and direct that the nomination of Mr M A Gopalaswamy-Iyengar be rejected in the present circumstances and until the Election Petition filed by me viz, Mis No 94 of 43-4 before the District Judge, Bangalore is disposed of

Bangalore
Dated 15-1-1944

Yours faithfully,
C Krishna Rao

From
C Krishna Rao,
Merchant & Contractor,
No 52, IIIrd Cross Road,
Basavangudi, Bangalore City

BEFORE THE DISTRICT JUDGE, BANGALORE DIVISION, BANGALORE.

Mis. No. 94 of 43-44.

Petitioner:-

C. Krishna Rao.

- Vs -

Respondents:-

1. T.T. Sharma & another.

Under Section 20 (2) of the Mysore City Municipalities Act read with Section 94 (e) and 151, ~~and~~ ~~the Code of Civil Procedure~~ and Order 39 Rule 2 of the Code of Civil Procedure.

For reasons sworn to in the accompanying affidavit the Petitioner prays that the District Judge may be pleased to issue;

- (a) a Temporary Injunction restraining the - President, Bangalore City Municipal Council from holding a meeting for the election of the President on 19-1-1944 and post-pone the same till; this I.A. is disposed of and also;
- (b) to issue a similar Injunction to the Municipal Commissioner and Returning Officer from accepting the nomination of the 2nd Respondent herein as a Candidate for the President-ship until the above Mis. Petition is disposed of ; a n d
- (c) a similar Injunction to the 2nd Respondent restraining him from standing as a Candidate for the Presidential Election to be held on 19-1-1944.

P.T.O.

As the matter is urgent the Petitioner
prays for an ad-interim order of Injunction
pending notice to the 2nd Respondent.

Advocate for-
Petitioner.

Bangalore

Dated. 1-1-1944.

C Thirumala Rao
Petitioner.

BEFORE THE DISTRICT JUDGE, BANGALORE DIVISION, BA

Mis. No. 94 of 43-44.

Petitioner:-

C. Krishna Rao.

- Vs -

Respondents:-

1. T.T. Sharma & another.

A f f i d a v i t.

Krishna Rao son of Mr. K. Seshagiri Rao, aged about 35 years, Merchant and Contractor, residing at No. 52, Third Cross Road, Basnavangudi Bangalore City, do hereby solemnly affirm and state on oath as follows:-

1. I have filed the above Petition contesting the validity of the election of the Respondents.

2. I have in the course of the Petition urged very strong grounds impeaching the validity of their election and also charging them with corrupt practice.

3. The Respondents herein who appeared through Counsel and who have been served with notice of the above Petition instead of undertaking to file their objections quickly, deliberately asked for nearly three weeks' time to do so. The Petitioner apprehends and has reasons to believe that they did so with a view to file their

objections after the date of the meeting for the Presidential Election of the Municipal Council this month and to which office of President the Respondents believed that one of them was likely to be nominated.

4. The last date for filing the nomination paper for President-ship was 6 P.M., on 11-1-'44 and the second Respondent has been nominated. He has not withdrawn till now. - respondent

5. I submit that in view of the Petition and the allegations made therein including tampering of ballot papers in the Municipal Office, it would be most embarrassing, and inexpedient to permit the 2nd Respondent to stand as a Candidate for the Office of the President-ship of the Municipal Council at this juncture, as in the event of his succeeding, there is every possibility and probability of his thwarting the course of justice in my Petition during its enquiry.

6. I further submit that it would have been very proper and correct conduct on the part of the 2nd Respondent not to have accepted the nomination until the above Mis. Petition was disposed of. Since he has not chosen to do so and has been vigorously working for the support of the Office of President-ship and has deliberately avoided filing his objections till the date of the Presidential Election, it is necessary, expedient and just that the District Judge should be pleased to issue a Writ of Injunctions as prayed for in the Petition.

C. Thirukumar Rao
Petitioner.

Solemnly affirmed before me,

27/1/44 To

The Law Secretary,
Government of Mysore, Bangalore

42-43-50

REVISED

4704

Dear Sir,

In continuation of and with reference to my petition dated 15-1-1944 presented to you on the same day I beg to urge the following facts for the kind consideration by the Government.

As I stated in my previous Petition, I have filed an Election Petition against Mr M A Gopalaswamy Iyengar who stood for the Office of the Presidentship of the Bangalore City Municipal Council and who is said to have got 14 votes at a Special meeting of the Council held on 19-1-1944.

I am given to understand that the results of the - Election are pending before Government.

I enclose herewith a true copy of the Petition I have filed in Misc No 94 of 43-44 before the District Judge, Bangalore Division, Bangalore.

Having regard to the allegations therein I respectfully submit that it would be just, necessary and expedient that Mr M A Gopalaswamy Iyengar should not function as President until the case is finally decided

I pray that the Government of Mysore may be pleased to withhold the approval of the results of Election till Misc. No 94 of 43-44 before the District Judge, Bangalore Division, Bangalore is disposed of

Bangalore

Dated 26-1-1944.

Yours faithfully,

From
C K Krishna Rao,
Merchant & Contractor,
No 52, IIIrd Cross Road,
Besavangudi,
Bangalore City.

C Krishna Rao

BEFORE THE DISTRICT JUDGE, BANGALORE DIVISION.

BANGALORE.

Vis. Petition No. 94 of 1943-44.

PETITIONER:-

C. Krishna Rao, son of F. Seshagiri Rao, aged about 35 years, Merchant and Contractor, resident No. 52, III Cross Road, Basavanagudi, Bangalore City.

-Vs-

RESPONDENTS:-

1. T.T. Sharma,
Editor, 'Viswakarnataka',
97, Visvesvaraya Road,
Bangalore City.
2. M.A. Gopalaswamy Iyengar, M.A., B.A.,
Advocate, No. 8, IV Cross Road,
Shankarpur, Bangalore City.

Under section 20 of the Mysore City Municipalities Act of 1933 (Act VII of 1933), the Petitioner abovenamed begs to state as follows:-

1. The Petitioner and the Respondents 1 and 2 herein, the two being Congress Nominated Candidates, were three among the Candidates who stood for election to the Bangalore City Municipality from the Eighth Division, viz., Basavanagudi, Shankarpur and Ashwini Colony. The serial no. of the Petitioner in the Voters List of the Eighth Division is 1462, and that of the 2nd Respondent in the said List. The 1st Respondent was not a voter in the said Division and his serial number was 1144.

2. The Polling took place on 4-12-1945. There were three Polling Booths, one for VIII-A Division, another for VIII-B Division, and a third for VIII-C Division. In the Polling Booth VIII-B, Division, the 1st Respondent who stood as a Congress Candidate along with the 2nd Respondent created a lot of commotion in the morning and had an actual physical scuffle with the

Officer. The 1st Respondent is also the Editor and Publisher of a Kannada Daily known as 'Viswakarmataka' through the medium of which he carried on a virulent, false and anti-propaganda against the Petitioner and other non-Congress labelled Candidates from the Eighth Division.

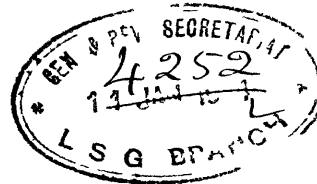
In particular, among others, the methods employed by him were that he incited some of the students to take part in this propaganda as a result of which threats of injury were held out to various persons, the object of which was to induce several voters of the Eighth Division to refrain from giving votes in favour of the non-Congress labelled Candidates of the Eighth Division of whom the Petitioner is one.

Further the 1st Respondent's journalistic office is Manavarthi at Banalore City was the place where he and his party daily met for several weeks prior to the election on 4-1-43 and regularly planned their propaganda against the non-Congress labelled Candidates in particular, of the Eighth Division, including threats. These acts of the 1st Respondent culminating in his scuffle and assault with the Polling Officer of the Eighth Division rendered him guilty of having committed corrupt practice for the purposes of the election within the meaning of Section 20 of the Mysore City Municipalities Act of 1933 and render him liable to be disqualified for standing as a Candidate for the said election and any further election. Many voters who had come to vote in favour of the Petitioner during the scuffle went away without recording their votes being annoyed and a few of them fearing injury to their person. The 1st Respondent was in that polling booth till 11.30 a.m. till evening and among other methods adopted by him, he caused injury to one Abdullah Hussain Beccol who had come to vote.

C Thushara Rao

True copy

C Thushara Rao



DAILY NEWS JANUARY 8, 1944

PRESIDENTIAL ELECTION TO CITY COUNCIL

Mysore Congress Nomination

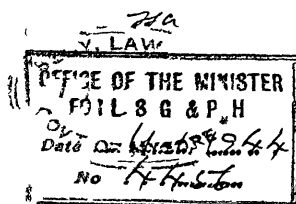
BANGALORE, Jan 8

The Mysore Congress Parliamentary Committee met on Jan 7 at the Congress Office. Mr. H. S. Dhanu presided. It was decided to contest the Presidential election of the Bangalore City Municipality and Mr. M. A. Gopalaswamy Aiyengar was chosen as the candidate on behalf of the Congress.

The Committee met the members of the Congress Municipal Councillors of Bangalore City, and announced the name of Mr. M. A. Gopalaswamy Aiyengar as the candidate for the Presidential election. The Municipal Congress Party was also formed with Mr. H. C. Suryanarayana Rao as Leader, Mr. Ethirajulu Narayan as Deputy Leader, Mr. N. Kesava Aiyengar as Secretary, Mr. G. Nanjappa as whip of the Party. It was also resolved to issue notices to several important Congressmen calling upon them to tender explanations for acts of breach of discipline.

The Committee met again on Jan 8. In pursuance of the general policy laid down by the Congress that Harijans could accept nominations by Government to safeguard the interests of the community, Mr. A. K. Jayamuthuraju has been permitted to accept his nomination to the Bangalore City Municipality.

The Standing Committee for Tumkur District was reconstituted with Mr. Mahi Mariappa as convenor and Messrs. R. S. Aradhya and Amruthur Ranga Rao as members.



Submitted for

Law Secy 10-1

10-1 1/4

11/1/44

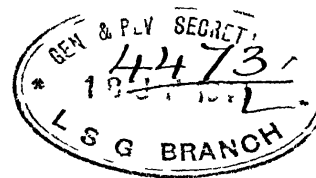
11-1-44

12-1-44

Subd

May maybe placed in the connected file re election Presidential Mr. A. K. Jayamuthuraju 11/1/44

no action appears to be necessary. will be filed, 11/1/44



Handy News 18-1-44

**CITY COUNCIL PRESIDENTIAL
ELECTION**

**Mr M A Gopalswamy Iyengar's
Objections Filed**

BANGALORE, Jan 15

In connection with the petition filed by Mr C Krishna Rao, a candidate from Basavanagudi to the recently held Municipal elections, in the Court of the Additional District Judge, requesting injunction against Mr M A Gopalswamy Iyengar from standing for the Presidency of the Bangalore City Municipal Council, Mr N Balakrishnaiah, today, filed objections on behalf of Mr M A Gopalswamy Iyengar.

The objections held no inherent power under C P C can be invoked in a suit of this nature and election of President for the Bangalore City Municipal Council is held under the City Municipal Act and rules framed thereunder and the relief sought for is outside the purview of the District Judge acting within the scope of Sec 20 of that Act.

• Messrs L S Raju, D Shama Rao and P Bheemachar and others appeared for Mr C Krishna Rao.

The case against the election of Mr P R Ramaiya to the City Council from the seventh division filed in the District Judge's Court has been adjourned to Jan 28.

Mr L S Raju filed objections on behalf of Mr P R Ramaiya.



Submitted for home

Law Secy) 17/1

m K B

*17/1 2/4
17/1*

LETTER TO THE EDITOR

City Council Vice-Presidents

Sir,

December 1943 was a busy month for election of Municipal Councilors to the premier City Municipality of the State and this month is the month for electing the Mayor and Deputy Mayor. The Congress Party has set up Messrs M A Gopalaswami Iyengar and Jayamuthuraju and the Independent Party M C N Narasimha Rao and Mr S G Mohiyuddin for Presidentship and Vice Presidentship respectively.

No doubt the Congress Party is in an advantageous position being a majority party but in my humble opinion a dispassionate review of the whole situation is necessary before casting one's vote either this way or that way.

Mr C N Narasimha Rao has been on the Council for more than 20 years and has discharged his duties as City Father of Chamarajpet Division, without fuss and show to the entire satisfaction of the electors. His election is not contested by any one among the independents and his election as President is paying a tribute to his disinterested, meritorious and sincere work for more than two decades. One need not necessarily be a Congressman to have a Congress outlook and moreover, sometimes Congress outlook is not all that could be desired. Even though Mr Rajagopalachariar seceded from the Congress none can say that his views are diametrically opposite to those of the Congress. Taking all things into consideration, Mr C N Narasimha Rao is the most desirable candidate under the circumstances.

Coming to the question of Vice Presidentship, Mr Jayamuthuraju is also a nominated candidate even though there seems to be a rule that Congress people should not accept nomination. Such being the case it is not clear whether Mr Jayamuthuraju has accepted his nomination as belonging to the minority community or to the Congress Party. One other reason why Mr Jayamuthuraju should not be elected as Vice President is that Mr H C Dasappa, a prominent Congressman, has professed the sympathy of the Congress towards Muslim community. If this sympathy and fellow feeling towards a sister community is sincere and if the Congress Party means what it professes, then this is the best time for electing a Muslim to the Vice Presidentship. Nay, in my view even Presidentship must go by rotation. Ever since Khan Bahadur Mr Abbas Khan relinquished his office as President sixteen years ago, no other Muslim has held this coveted Post of Honour even though a Brahmin, a Vaisya, a Christian, a Lingayat and a Mudaliar has had held that post. It is fair that Muslims should also be given their chance.

Such being the case Mr S G Mohiyuddin, the Independent nominee, must be elected and even the Congress Party members must show that they mean what they say, induce Mr Jayamuthuraju to withdraw and elect Mr Mohiyuddin for Vice Presidentship.

This will be in strict conformity with all canons of justice, equity and good conscience and above all fair play.

This holds good even in case Mr Gopalaswami Iyengar gets elected and there is nothing incongruous in a Hindu like a Congressman being President and an Independent Muslim being a Vice President. Now is the opportunity for exhibiting a spirit of Hindu Muslim Unity which is always dear to the heart of Mahatma Gandhi, Saint of Sabarmathi.

Finally one important fact is to be borne in mind. As politics must be completely eschewed from Civic Bodies, it does not matter from which party the election is made so long as the President comes from one party and the Vice President from the other party. By such a happy combination friction will disappear and the work of the Municipality will be smooth sailing. This can be brought about by mutual compromise and the President and Vice President must be elected without any contest. If the Congress Party is anxious to have their nominee as President, then it is in the fitness of things that the Independent Party's nominee must get the Vice Presidentship and that the Congress Party's nominee, Mr Jayamuthuraju, must withdraw his candidature. Vice versa, if Mr C N Narasimha Rao is to be elected as President, Mr Ghous Mohiyuddin will have to withdraw his candidature in favour of Mr Jayamuthuraju. This noble action will be setting an example to other municipal places in the State and pave the way for real concord and unity and will the Congress Party raise to the occasion and prove that they are sincere in their loud protestations of goodwill?

S R JAMADAGNI

CEGY LAI E F
SINT. 11/1/44

we will

Forward

Lawson) 14

17-1

17-1/44

RESIDENTSHIP OF CITY COUNCIL

ARGUMENTS ON INJUNCTION PETITION AGAINST Mr M A G

BANGALORE, Jan, 15

Mr L S Raju, Advocate, arguing today on the injunction petition praying for restraining Mr M A Gopalaswamy Iyengar from standing as a candidate for election as President to the Bangalore City Council filed on behalf Mr C Krishna Rao before Mr G Abdul Rahim Ganjam, Additional District Judge, urged before the Judge the probable and possible injury which would be caused to the rights of the petitioner to prosecute his case successfully and place all the evidence before the Court if Mr Gopalaswamy Iyengar was elected President during the pendency of the enquiry

Mr Raju quoted 16Ch D 143 and stated that the observations of Jessel M R were particularly apt in this case. This leading English case decision was followed in several Indian cases in Madras and elsewhere.

"Heavens will not fall", Mr L S Raju stated, "if Mr Gopalaswamy Iyengar, who always proclaimed that he did not care for any office, did not stand as a candidate for the Presidentship temporarily." Mr Gopalaswamy Iyengar's objection statement revealed how keen he was after the office of Presidentship, and if elected, as President, he would strain every nerve to see that he was not unseated. The Municipal Commissioner delayed nearly 15 days to send the Ballot Box to the Court. Serious allegations had been made by the Petitioner against the conduct of individuals at the Municipal office on 6-12-43 and at the place of election on 4-12-43.

Will Mr Gopalaswamy Iyengar so keen after the office not therefore likely to use his position to thwart justice to the petitioner in the case so that he may continue to dominate as President, asked Mr Raju.

If so, a clear case on merits was made out and according to the recent decisions under the Municipal Law the District Judge had jurisdiction to pass such interlocutory orders.

Mr Raju further observed that an interesting feature of the case was that Mr N Balakrishnaiah, an ex President and a non-Congressman, appeared for a Congress nominated candidate for Presidentship. He hoped that the Mr Gopalaswamy Iyengar would continue to have the service of Mr N Balakrishnaiah for the main petition also.

Mr Balakrishnaiah's Argument

Mr N Balakrishnaiah, who appeared for Mr Gopalaswamy Iyengar, contended that unless and until the alleged tampering of the ballot papers was proved it had to be taken for granted that the Municipal body had acted according to law. The question of granting a temporary injunction would not arise since it was distinctly a separate relief from the main relief sought for. No inherent power under the Civil Procedure Code could be invoked in a suit of this nature and the election of the President for the Municipal Council was held under the City Municipalities Act and the rules framed thereunder and the relief sought for was outside the purview of the District Judge acting within the scope of Sect on 20 of that Act. The District Judge was a Curia Designata acting under a Special

Act and was not seized of the matter in suit as a Civil Court under the ordinary civil jurisdiction, he added. Protection of rights or prevention of injury arose only when there was a complaint of a breach of rule or law. No injunction could now be granted to restrain the acts which had already taken place. He concluded Mr N Balakrishnaiah. Under the City Municipalities Act, Mr Balakrishnaiah said, the election of the President must take place within a fixed time after the reconstitution of the Council. If that was not done the Council would lose privilege of electing a non-official President.

Mr L S Raju, replying to points raised by Mr Balakrishnaiah, asked as to how could the petitioner or any one have guessed that Mr M A Gopalaswamy Iyengar would be nominated before the nominations were actually filed. The only important point for consideration was that how Mr Gopalaswamy Iyengar's nomination—if not restrained—would cause injury, said Mr Raju. If this Court was a curia designata "why do you file Vakalat", asked Mr Raju. In the cause of justice and protection of rights of the petitioner it was proper and just to grant injunction prayed for, concluded Mr Raju.

The Judge informed that he would pronounce orders on the 18th instant at Kolar.

4457

Mr. K. S. Raju

Law Secy

18/1/44

Pl place it into
Cmpt file

18/1/44

CITY COUNCIL PRESIDENTSHIP

INJUNCTION PETITION DISMISSED

(F O C) KOLAR, Jan 18

In the petition filed by Mr C Krishna Rao, a candidate from Basavangudi to the recently held elections of the Bangalore City Municipal Council, against Mr M A Gopalaswamy Iyengar, praying for a temporary injunction to be issued restraining Mr Gopalaswamy Iyengar from standing for the presidentship of the Bangalore City Municipal Council, the Additional Dist Judge, Bangalore, pronounced orders today dismissing the petition with costs

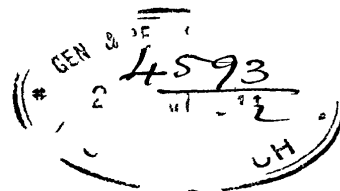
In the course the judgement, the Judge said that the main application is to declare the petitioner as duly elected in accordance with the law and to set aside the election of the respondent as being invalid. There is no prayer in the main application for consequential relief or for a perpetual injunction and in a suit for a mere declaration an interim order of injunction is never granted

Continuing, the Judge observed the main application of the petitioner, being for a mere declaration for temporary injunction, is not maintainable. What Mr L S Raja (Counsel for the petitioner) says is that the prayer for an interim order of injunction can fit it with his prayer in the main application

Mr L S Raja, the Judge observed, however has no objection to the 2nd respondent sitting as a Councillor and taking part in the deliberations of the Municipal Council. What he objects to is, as stated above, that the 2nd respondent should be restrained from standing for Presidentship as he would, if successful, thwart the course of justice which would cause injury to the petitioner and has already been shown to be groundless

In conclusion the Judge observed "the 2nd Respondent (Mr M A Gopalaswamy Iyengar) is declared duly elected by a competent authority and has got a right to stand for presidential election

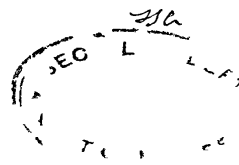
"The cases cited do not apply to the facts of present case. In the result the application is dismissed with costs"



Submitted for trial

*u
20/1*

*Law son) u
20/1*



*cur
20/1 44
u
20/1*

App F IX 4

Previous References

✓
1944
Mumabul

File No 42-43
Serial Nos 98 & 99

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2 —

Part B for 17 March 1944

SUBJECT

Election of Mr. T. Ananthaswami
as Vice President of Pres. Kase. town
M.L. Council

1/74 Computer (Hydro Gazette
2/). Dep of Comm. - Hassan

L no. 10075 dated 29 3/44

Approves & justifies,

2/4